

ENKEL 8035
I.D. 53408

VIA FACSIMILE 703-308-7725

#21
letter
S Davis
6/12/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mats LIEJON et al.

Serial No. 09/194,560^u

Filed: March 29, 1999^d

PATENT

Group: 2834

Examiner: E. Enad

66291-163-2

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REQUEST FOR RECONSIDERATION OF PETITION FOR
SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103(a) AND REQUEST FOR
A SECOND SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103(a),
PURSUANT TO MPEP 1002.02(c)9

Washington, D.C.
June 3, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is respectfully requested that the Director reconsider the Decision on Petition mailed May 24, 2002, denying applicants' request for suspension of prosecution in the above-identified patent application.

The Applicants filed a 'Petition for Suspension of Action...' on March 22, 2002. The Petition was requested because the issues in this application are related to issues relating to patentability in a related application Serial number 08/873,019, which is under appeal, and in which an appeal brief was filed on May 7, 2002. The issues in the '019 are believed to be dispositive of the patentability of the certain claims in the present application.

I hereby certify that this
correspondence is being facsimile
transmitted to the U.S. Patent and
Trademark Office, Fax No 703-308-7725
on 6/3/02

John P. Delapra, Reg. No. 25,505

The petition was denied because the Director asserts that the issues in the '019 application have not been presented to the Board of Patent Appeals and Interferences. However, as noted, the Appeal was filed in the '019 application and the Brief was filed on May 3, 2002 before the mailing date of the Decision.

On May 28, the Examiner issued a Final Action in the above application. Unless the Decision on Petition is reconsidered and the petition granted, Applicants will be required to file a response to the Final Action. In view of the fact that Applicants and the Examiner have reached an impasse in the prosecution of the application, Applicants will be compelled to refile the application. Further, now that the Appeal Brief has been filed in the '019 application, it is believed that the grant of the Applicants' Petition would not be premature as asserted by the Director.

Further, Applicants understand that in other related cases, requests for suspension have been granted because the issues have been presented to the Board.

The Decision on Petition is undated but it was mailed on May 25, which is after the date that the Appeal brief was filed in the '019 application, and after the issues had been fully presented to the Board of Appeals.

Reconsideration of the Petition and withdrawal of the Final Action is therefore respectfully requested.

Respectfully submitted,



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